IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. REV. No.430 of 2007
NOOR ALAM
Versus
THE STATE OF BIHAR & ANR
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3. 4.9.2008. This Cr. Revision has been filed against the order of maintenance dated 16.1.2007 passed by Principal Judge, Family Court, Begusarai in Maintenance Case No. 22(M) of 2005 thereby the petitioner has been directed to pay maintenance of Rs.1200/- per month to opposite party no.2.

Heard learned counsel for both the parties.

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The submission of learned counsel for the petitioner is that he is willing to keep opposite party no. 2 but the father of opposite party no. 2 is not permitting her to live with the petitioner.

The second submission of learned counsel for the petitioner is that the petitioner is an unemployed person and he is unable to pay maintenance of Rs.1200/- per month to opposite party no.2.

On the other hand, learned counsel for the opposite party submitted that a case under Section 498A of the I.P.C. is pending

for torture etc. as a result of which the opposite party no. 2 is not willing to live with the petitioner. It is further submitted that the petitioner is living at Calcutta and earning Rs.25,000/- per month.

Considered the submission of learned counsel for both the parties as well as the impugned order.

On perusal of the impugned order it appears that the income of the petitioner is about Rs.7000/- per month.

Admittedly, the opposite party no.2 is wife of the petitioner. Opposite party no.2 is not living with the petitioner. She has no means for her livelihood. No other point has been urged on behalf of the petitioner in order to assail the impugned order.

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Having regard to the facts and circumstances of the case, I am not inclined to interfere in the impugned order. The quantum of maintenance is also just and proper. Accordingly, this Cr. Revision is dismissed.

kanchan **(Ghanshyam Prasad, J.)**